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Attorneys for Defendant,  
City of Woodlake

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA FRESNO DIVISION**

J.F., a minor, by and through her Guardian Ad Litem, LIZ FRANCO; V.F., a minor, by and through her Guardian Ad Litem, LIZ FRANCO; and M.M., a minor, by and through her Guardian Ad Litem, JENNIFER MENENDEZ, Plaintiffs, v. CITY OF WOODLAKE; and DOES 1-10, inclusive, Defendants. ) Case No.: 1:23-cv-01569-JLT-BAM ) **DEFENDANT'S ANSWER TO COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW DEFENDANT, City of Woodlake and no others, (“Defendant”), and in answer to Plaintiff’s Complaint (“Complaint”) admit, deny and allege as follows:

1. Answering the allegations contained in paragraph numbers 3-6 on page 2 of said Complaint, Defendant alleges that it has no information or belief upon the subjects contained therein sufficient to enable it to answer any of said allegations, and placing its denial on that ground, deny each and every, all and singular, generally and specifically, said allegations and the whole thereof.

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1       2.     Answering the allegations contained in paragraph number 7 on page 3, line 1  
2 beginning with "At all relevant times..." and ending with line 3 "...State of California." of said  
3 Complaint, Defendant admits each and every, all and singular, generally and specifically, said  
4 allegations and the whole thereof.

5       3.     Answering the allegations contained in paragraph number 7 on page 3, line 3  
6 beginning with "At all relevant times..." and ending with line 9 "...damages only." of said  
7 Complaint, Defendant alleges that it has no information or belief upon the subjects contained  
8 therein sufficient to enable it to answer any of said allegations, and placing its denial on that  
9 ground, deny each and every, all and singular, generally and specifically, said allegations and the  
10 whole thereof.

11      4.     Answering the allegations contained in paragraph numbers 8-10 on page 3 of said  
12 Complaint, Defendant alleges that it has no information or belief upon the subjects contained  
13 therein sufficient to enable it to answer any of said allegations, and placing its denial on that  
14 ground, deny each and every, all and singular, generally and specifically, said allegations and the  
15 whole thereof.

16      5.     Answering the allegations contained in paragraph number 11 on page 3 of said  
17 Complaint, denies each and every, all and singular, generally and specifically, said allegations  
18 and the whole thereof.

19      6.     Answering the allegations contained in paragraph number 12 on pages 3-4 of said  
20 Complaint, Defendant alleges that it has no information or belief upon the subjects contained  
21 therein sufficient to enable it to answer any of said allegations, and placing its denial on that  
22 ground, deny each and every, all and singular, generally and specifically, said allegations and the  
23 whole thereof.

24      7.     Answering the allegations contained in paragraph numbers 13-14 on page 4 of  
25 said Complaint, admits each and every, all and singular, generally and specifically, said  
26 allegations and the whole thereof.

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1       8.     Answering the allegations contained in paragraph number 16 on page 4 of said  
2 Complaint, admits each and every, all and singular, generally and specifically, said allegations  
3 and the whole thereof.

4       9.     Answering the allegations contained in paragraph number 17 on page 4 of said  
5 Complaint, Defendant incorporates all above paragraphs as if fully set forth herein.

6       10.    Answering the allegations contained in paragraph numbers 18-24 on pages 4-5 of  
7 said Complaint, Defendant alleges that it has no information or belief upon the subjects  
8 contained therein sufficient to enable it to answer any of said allegations, and placing its denial  
9 on that ground, deny each and every, all and singular, generally and specifically, said allegations  
10 and the whole thereof.

11      11.    Answering the allegations contained in paragraph number 25 on page 5 of said  
12 Complaint, Defendant incorporates all above paragraphs as if fully set forth herein.

13      12.    Answering the allegations contained in paragraph number 26 on page 5 of said  
14 Complaint, denies each and every, all and singular, generally and specifically, said allegations  
15 and the whole thereof.

16      13.    Answering the allegations contained in paragraph number 27 on page 6 of said  
17 Complaint, denies each and every, all and singular, generally and specifically, said allegations  
18 and the whole thereof.

19      14.    Answering the allegations contained in paragraph numbers 23-26 [SIC] on page 6  
20 of said Complaint, denies each and every, all and singular, generally and specifically, said  
21 allegations and the whole thereof.

22      15.    Answering the allegations contained in paragraph number 27 [SIC] on page 7 of  
23 said Complaint, Defendant alleges that it has no information or belief upon the subjects  
24 contained therein sufficient to enable it to answer any of said allegations, and placing its denial  
25 on that ground, deny each and every, all and singular, generally and specifically, said allegations  
26 and the whole thereof.

27      16.    Answering the allegations contained in paragraph number 29 on page 7 of said  
28 Complaint, Defendant incorporates all above paragraphs as if fully set forth herein.

1       17. Answering the allegations contained in paragraph numbers 30-34 on pages 7-8 of  
2 said Complaint, denies each and every, all and singular, generally and specifically, said  
3 allegations and the whole thereof.

4       18. Answering the allegations contained in paragraph number 35 on page 8 of said  
5 Complaint, Defendant alleges that it has no information or belief upon the subjects contained  
6 therein sufficient to enable it to answer any of said allegations, and placing its denial on that  
7 ground, deny each and every, all and singular, generally and specifically, said allegations and the  
8 whole thereof.

9       19. Answering the allegations contained in paragraph number 37 on page 8 of said  
10 Complaint, Defendant incorporates all above paragraphs as if fully set forth herein.

11      20. Answering the allegations contained in paragraph numbers 38-40 on pages 8-9 of  
12 said Complaint, Defendant alleges that it has no information or belief upon the subjects  
13 contained therein sufficient to enable it to answer any of said allegations, and placing its denial  
14 on that ground, deny each and every, all and singular, generally and specifically, said allegations  
15 and the whole thereof.

16      21. Answering the allegations contained in paragraph numbers 41-47 on pages 9-10  
17 of said Complaint, denies each and every, all and singular, generally and specifically, said  
18 allegations and the whole thereof.

19      22. Answering the allegations contained in paragraph number 50 on page 10 of said  
20 Complaint, Defendant incorporates all above paragraphs as if fully set forth herein.

21      23. Answering the allegations contained in paragraph number 51 on page 10 of said  
22 Complaint, Defendant alleges that it has no information or belief upon the subjects contained  
23 therein sufficient to enable it to answer any of said allegations, and placing its denial on that  
24 ground, deny each and every, all and singular, generally and specifically, said allegations and the  
25 whole thereof.

26      24. Answering the allegations contained in paragraph number 52 on pages 10-11 of  
27 said Complaint, denies each and every, all and singular, generally and specifically, said  
28 allegations and the whole thereof.

1       25. Answering the allegations contained in paragraph number 53 on page 11 of said  
2 Complaint, Defendant alleges that it has no information or belief upon the subjects contained  
3 therein sufficient to enable it to answer any of said allegations, and placing its denial on that  
4 ground, deny each and every, all and singular, generally and specifically, said allegations and the  
5 whole thereof.

6       26. Answering the allegations contained in paragraph number 54 on page 11 of said  
7 Complaint, denies each and every, all and singular, generally and specifically, said allegations  
8 and the whole thereof.

9       27. Answering the allegations contained in paragraph number 56 on page 11 of said  
10 Complaint, Defendant incorporates all above paragraphs as if fully set forth herein.

11      28. Answering the allegations contained in paragraph numbers 57(a-i) - 58 on pages  
12 11-12 of said Complaint, denies each and every, all and singular, generally and specifically, said  
13 allegations and the whole thereof.

14      29. Answering the allegations contained in paragraph number 59 on page 12 of said  
15 Complaint, Defendant alleges that it has no information or belief upon the subjects contained  
16 therein sufficient to enable it to answer any of said allegations, and placing its denial on that  
17 ground, deny each and every, all and singular, generally and specifically, said allegations and the  
18 whole thereof.

19      30. Answering the allegations contained in paragraph number 61 on page 13 of said  
20 Complaint, Defendant incorporates all above paragraphs as if fully set forth herein.

21      31. Answering the allegations contained in paragraph number 64 on page 13-14 of  
22 said Complaint, Defendant alleges that it has no information or belief upon the subjects  
23 contained therein sufficient to enable it to answer any of said allegations, and placing its denial  
24 on that ground, deny each and every, all and singular, generally and specifically, said allegations  
25 and the whole thereof.

26      32. Answering the allegations contained in paragraph number 65 on page 14 of said  
27 Complaint, denies each and every, all and singular, generally and specifically, said allegations  
28 and the whole thereof.

33. Answering the allegations contained in paragraph numbers 66 and 66 [SIC] on page 14 of said Complaint, Defendant alleges that it has no information or belief upon the subjects contained therein sufficient to enable it to answer any of said allegations, and placing its denial on that ground, deny each and every, all and singular, generally and specifically, said allegations and the whole thereof.

34. Answering the allegations contained in paragraph numbers 67-68 on page 14 of said Complaint, denies each and every, all and singular, generally and specifically, said allegations and the whole thereof.

35. Answering the allegations contained in paragraph numbers 69-70 on pages 14-15 of said Complaint, Defendant alleges that it has no information or belief upon the subjects contained therein sufficient to enable it to answer any of said allegations, and placing its denial on that ground, deny each and every, all and singular, generally and specifically, said allegations and the whole thereof.

36. Answering the allegations contained in paragraph numbers 71 on page 15 of said Complaint, denies each and every, all and singular, generally and specifically, said allegations and the whole thereof.

As separate and affirmative defenses, answering Defendant alleges as follows:

## **FIRST AFFIRMATIVE DEFENSE**

That said Complaint fails to state a claim upon which relief can be granted.

## **SECOND AFFIRMATIVE DEFENSE**

That at all times herein mentioned the actions of Defendant's employees and contractors were reasonable and in good faith and as such they are entitled to qualified immunity.

### **THIRD AFFIRMATIVE DEFENSE**

For all state law claims, the Decedent was contributorily negligent, that such negligence contributed to the incident and that Plaintiffs' recovery should therefore either be barred or reduced to the extent of Decedent's negligence.

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1                   **FOURTH AFFIRMATIVE DEFENSE**

2                   For all state law claims, this incident was caused by the negligence and/or fault of other  
3 persons, corporations, and entities including both parties and non-parties to this action whether  
4 named or not named and that Defendant's liability, if any, should be reduced accordingly.

5                   **FIFTH AFFIRMATIVE DEFENSE**

6                   That at all times Defendant's employees and/or contractors acted in self-defense and/or  
7 defense of others and the use of force was therefore privileged and reasonable.

8                   **SIXTH AFFIRMATIVE DEFENSE**

9                   That Defendant is immune from state law claims pursuant to California Government  
10 Code Section 815.

11                   **SEVENTH AFFIRMATIVE DEFENSE**

12                   That Defendant is immune from state law claims pursuant to California Government  
13 Code Section 815.2.

14                   **EIGHTH AFFIRMATIVE DEFENSE**

15                   That Defendant is immune from state law claims for punitive damages pursuant to  
16 California Government Code Section 818.

17                   **NINTH AFFIRMATIVE DEFENSE**

18                   That Defendant is immune from state law claims for punitive damages pursuant to  
19 California Government Code Section 818.2.

20                   **TENTH AFFIRMATIVE DEFENSE**

21                   That Defendant is immune from state law claims pursuant to California Government  
22 Code Section 820.2.

23                   **ELEVENTH AFFIRMATIVE DEFENSE**

24                   That Defendant is immune from state law claims pursuant to California Government  
25 Code Section 820.8.

26                   **TWELFTH AFFIRMATIVE DEFENSE**

27                   That Defendant is immune from state law claims pursuant to California Government  
28 Code Section 821.

1                   **THIRTEENTH AFFIRMATIVE DEFENSE**

2                   That Defendant is immune from state law claims pursuant to California Government  
3                   Code Section 845.

4                   **FOURTEENTH AFFIRMATIVE DEFENSE**

5                   This answering Defendant alleges that these Plaintiffs have no standing to bring this  
6                   action and that they have failed to comply with the provisions of California Code of Civil  
7                   Procedure § 377, et seq.

8                   WHEREFORE, said answering Defendant prays for relief as follows:

- 9                   1.       For judgment as against Plaintiffs and in favor of Defendant;  
10                  2.       That Plaintiffs take nothing by way of their Complaint;  
11                  3.       For attorneys' fees and costs of suit incurred herein; and  
12                  4.       For such other and further relief as the court may deem just and proper

13                  Dated: November 29, 2023

14                  LONGYEAR & LAVRA, LLP

15                  By: /s/ Van Longyear

16                  VAN LONGYEAR  
17                  NICOLE M. CAHILL  
18                  Attorneys for Defendant,  
                        City of Woodlake

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2                   **DEMAND FOR JURY TRIAL**  
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4                   Defendant City of Woodlake hereby requests a trial by jury.  
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6                   Dated: November 29, 2023  
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8                   LONGYEAR & LAVRA, LLP  
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10                  By: /s/ Van Longyear  
11                  VAN LONGYEAR  
12                  NICOLE M. CAHILL  
13                  Attorneys for Defendant,  
14                  City of Woodlake  
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